

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WAYNE PITTMAN

Plaintiff,

VS.

**ROYAL TRUCKING, LLC,
CLYDE GAY AND WILLIAM
JEROME THOMAS**
Defendants.

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**CIVIL ACTION NO. 1:21-CV-648
(JURY TRIAL)**

**DEFENDANTS ROYAL TRUCKING, LLC, CLYDE GAY AND WILLIAM JEROME
THOMAS' NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, ROYAL TRUCKING, LLC, CLYDE GAY and WILLIAM JEROME THOMAS (collectively "Defendants"), Defendants in the above-styled cause, and file this Notice of Removal of the present cause from the 21st Judicial District Court of Burleson County, Texas in which it is now pending, to the United States District Court for the Western District of Texas, Austin Division, showing the Court as follows:

I. INTRODUCTION & BACKGROUND

1.1 On May 20, 2021, Plaintiff Wayne Pittman ("Plaintiff") filed suit against Royal Trucking, LLC, Clyde Gay, and William Jerome Thomas (collectively "Defendants") in the 21st Judicial District Court of Burleson County, Texas, styled Cause No. 30376; *Wayne Pittman v. Royal Trucking, LLC, Clyde Gay, and William Jerome Thomas*. Attached as Exhibit A is a true and correct copy of Plaintiff's Original Petition (the "Petition") The suit arises out of a motor vehicle accident that occurred on or about October 7, 2019, in Burleson County, Texas. See *Id.*

1.2 Plaintiff effected service upon Defendants Royal Trucking, LLC, Clyde Gay and William Jerome Thomas on June 25, 2021.

1.3 Defendants Royal Trucking, LLC, Clyde Gay and William Jerome Thomas filed their Original Answer in the 21st Judicial District Court of Burleson County, Texas on July 16, 2021.

1.4 Defendants Royal Trucking, LLC, Clyde Gay and William Jerome Thomas file this notice of removal within 30 days of receiving service of Plaintiff's pleadings. *See* 28 U.S.C. §1446(b).

II. BASIS FOR REMOVAL

2.1 The underlying state court action is one in which this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. §1332 and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §1441(b) because the matter in controversy exceeds the sum or value of \$75,000 exclusive of costs and interest and because there is complete diversity between Plaintiff and Defendants Royal Trucking, LLC, Clyde Gay and William Jerome Thomas, which are citizens of different states.

2.2 Although Defendants deny that Plaintiff is entitled to any relief whatsoever, the requirement that the amount in controversy exceeds \$75,000 is satisfied because Plaintiff is claiming damages for past lost wages, future loss of earning capacity, economic damages, compensation for pain and suffering and mental anguish. *See* Exhibit A PLAINTIFF'S ORIGINAL PETITION AT ¶ VII. Given the totality of Plaintiff's claims and pleadings, the amount in controversy exceeds \$75,000.

2.3 Plaintiff was at the time of filing this action, and still is, a citizen of the State of Texas.

2.4 Defendant Royal Trucking is and was at all relevant times a Louisiana corporation with its primary place of business in Frierson, Louisiana. Therefore, Defendant Royal Trucking is a citizen of Louisiana. Defendant Royal Trucking is not a citizen of Texas.

2.5 Defendant Clyde Gay is and was at all relevant times a Louisiana Resident. Defendant Clyde Gay is not a citizen of Texas.

2.6 Defendant William Jerome Thomas is and was at all relevant times a Louisiana Resident. Defendant William Jerome Thomas is not a citizen of Texas.

2.7 Thus, complete diversity of citizenship existed at the time of the commencement of this action and it exists now.

2.8 Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

2.9 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

2.10 Pursuant to 28 U.S.C. §1446(d), promptly after Defendants file this Notice, written notice of the filing will be given to Plaintiff, the adverse parties.

2.11 Pursuant to 28 U.S.C. §1446(a) and applicable Local Rules, copies of the following documents are attached collectively:

- **Exhibit 1:** Index of State Court Documents;
- **Exhibit 2:**
 - The State Court's Docket Sheet;
 - Citation;
 - Citation Return;

- Affidavit of Service;
- Plaintiff's Original Petition and Jury Demand;
- Defendants' Original Answer and Jury Demand;
- **Exhibit 3:** List of All Parties;
- **Exhibit 4:** List of Attorneys;
- **Exhibit 5:** Jury Trial Request;
- **Exhibit 6:** State Court's Name and Address;
- **Exhibit 7:** Corporate Disclosures

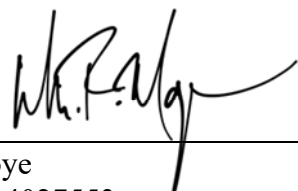
2.12 Counsel for Defendants Royal Trucking, LLC, Clyde Gay and William Jerome Thomas has provided written notice of the filing of this Notice of Removal to all attorneys of record and to the Clerk of the District Court of Burleson County, Texas pursuant to 28 U.S.C. § 1446(d).

III. CONCLUSION & PRAYER

3.1 Based upon the foregoing, the exhibits submitted in support of this Removal and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendants Royal Trucking, LLC, Clyde Gay, and William Jerome Thomas hereby remove this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: _____

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**COUNSEL FOR DEFENDANTS ROYAL
TRUCKING, LLC, CLYDE GAY AND
WILLIAM JEROME THOMAS**

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true and correct copy of this document has been sent to all known counsel of record pursuant to the FEDERAL RULES OF CIVIL PROCEDURE on the 23rd day of July, 2021, as follows:

Via E-file

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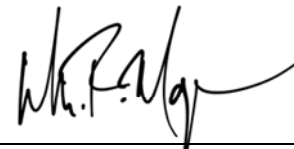
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Attorneys for Plaintiff

By: _____


WILLIAM R. MOYE